

§ 77.215-3 Refuse piles: certification.

(a) Within 180 days following written notification by the District Manager that a refuse pile can present a hazard, the person owning, operating, or controlling the refuse pile shall submit to the District Manager a certification by a registered engineer that the refuse pile is being constructed or has been modified in accordance with current, prudent engineering practices to minimize the probability of impounding water and failure of such magnitude as to endanger the lives of miners.

(b) After the initial certification required by this section and until the District Manager notifies the operator that the hazard has been eliminated, certification shall be submitted every twelfth month from the date of the initial certification.

(c) Certifications required by paragraphs (a) and (b) of this section shall include all information considered in making the certification.

(Secs. 101, 508, Pub. L. 91-173, 83 Stat. 745, 803 (30 U.S.C. 811, 957))

[40 FR 41776, Sept. 9, 1975, as amended at 57 FR 7471, Mar. 2, 1992]

§ 77.215-4 Refuse piles; abandonment.

When a refuse pile is to be abandoned, the District Manager shall be notified in writing, and if he determines it can present a hazard, the refuse pile shall be abandoned in accordance with a plan submitted by the operator and approved by the District Manager. The plan shall include a schedule for its implementation and describe provisions to prevent burning and future impoundment of water, and provide for major slope stability.

(Secs. 101, 508, Pub. L. 91-173, 83 Stat. 745, 803 (30 U.S.C. 811, 957), Pub. L. No. 96-511, 94 Stat. 2812 (44 U.S.C. 3501 et seq.))

[40 FR 41776, Sept. 9, 1975, as amended at 60 FR 33723, June 29, 1995]

§ 77.216 Water, sediment, or slurry impoundments and impounding structures; general.

(a) Plans for the design, construction, and maintenance of structures which impound water, sediment, or slurry shall be required if such an existing or proposed impounding structure can:

(1) Impound water, sediment, or slurry to an elevation of five feet or more above the upstream toe of the structure and can have a storage volume of 20 acre-feet or more; or

(2) Impound water, sediment, or slurry to an elevation of 20 feet or more above the upstream toe of the structure; or

(3) As determined by the District Manager, present a hazard to coal miners.

(b) Plans for the design and construction of all new water, sediment, or slurry impoundments and impounding structures which meet the requirements of paragraph (a) of this section shall be submitted in triplicate to and be approved by the District Manager prior to the beginning of any work associated with construction of the impounding structure.

(c) Before May 1, 1976, a plan for the continued use of an existing water, sediment, or slurry impoundment and impounding structure which meets the requirements of paragraph (a) of this section shall be submitted in triplicate to the District Manager for approval.

(d) The design, construction, and maintenance of all water, sediment, or slurry impoundments and impounding structures which meet the requirements of paragraph (a) of this section shall be implemented in accordance with the plan approved by the District Manager.

(e) All fires in impounding structures shall be extinguished, and the method used shall be in accordance with a plan approved by the District Manager. The plan shall contain as a minimum, provisions to ensure that only those persons authorized by the operator, and who have an understanding of the procedures to be used, shall be involved in the extinguishing operation.

(Secs. 101, 508, Pub. L. 91-173, 83 Stat. 745, 803 (30 U.S.C. 811, 957))

[40 FR 41776, Sept. 9, 1975]

§ 77.216-1 Water, sediment or slurry impoundments and impounding structures; identification.

A permanent identification marker, at least six feet high and showing the identification number of the impounding structure as assigned by the District Manager, the name associated